

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN**

IN RE:)	
ANTHONY S. RUEDA, and)	Case No. 13-31910-svk
JOANNA G. RUEDA)	
)	CHAPTER 13
DEBTORS)	

AMENDED NOTICE AND REQUEST TO MODIFY CHAPTER 13 PLAN

NOTICE IS HEREBY GIVEN THAT:

The Debtors have filed papers with the court requesting modification of the Chapter 13 Plan in the above case.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to modify the plan as proposed, or if you want the court to consider your views on the request, **then on or before 21 days after service of the notice**, you or your attorney must:

File with the court a written request for hearing which shall contain a short and plan statement of the factual and legal basis for the objection. File your written request at:

Clerk of Bankruptcy Court
517 East Wisconsin Ave.
Room 126
Milwaukee, WI 53202

If you mail your request to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

You must also mail a copy to:

Bankruptcy Law Office of Richard A. Check
757 N. Broadway, Ste. 401
Milwaukee, WI 53202

If you or your attorney, do not take these steps, the court may decide that you do not oppose the request and may enter an order modifying the plan.

Prepared By:
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REQUEST TO MODIFY CHAPTER 13 PLAN

1. The Proponent of this modification is:

 X the Debtor(s);

 the Chapter 13 Trustee (post-confirmation modifications only);

 the holder of an unsecured claim

2. This is a request to modify a Chapter 13 Plan (Select A. or B.):

A. post-confirmation;

B. X pre-confirmation (Select i. or ii.);

i. Debtor(s)/Debtor(s) attorney certifies that the proposed modification does not materially adversely affect creditors (Local Bankruptcy Rule 3015(b)); or

ii. X Debtor(s)/Debtor(s) attorney certifies that the proposed modification materially adversely affects only the following creditors and a copy of the proposed modification has been served on them (Local Bankruptcy Rule 3015(b)). The creditors affected are: See certificate of service.

3. The Proponent wishes to modify the Chapter 13 Plan to do the following:

*Debtors to increase Chapter 13 plan payments to \$353.00 per month for the 60 month plan.

*Debtors have an unexpired lease with JP Morgan Chase bank, N.A. The lease is assumed and payments due after filing will be paid directly by Debtors. The arrearage claim in the amount of \$308.84 will be paid through the Chapter 13 plan.

*Trustee shall make the monthly adequate protection payment to Sterling Jewelers, Inc. in the amount of \$25.00 for the secured claim pre-confirmation of plan.

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*Debtors annual income is above the median for the state of Wisconsin, therefore Debtors will retain any net federal and state tax refunds received during the term of the plan.

4. The reason(s) for the modification is/are:

*Debtors to pay Sterling Jewelers, Inc. for the secured claim in the amount of \$4,109.79 plus 5.25% interest for the total amount of \$4,681.80 through the plan.

5. Select A. or B.

A. ____ The Chapter 13 Plan confirmed or last modified on XXXX is modified as follows:

B. X The unconfirmed Chapter 13 Plan filed on September 5, 2013 is modified as follows: *Debtors to increase plan payments to \$353.00 per month for the 60 month plan.

*Debtors to pay Sterling Jewelers, Inc. for the secured claim in the amount of \$4,109.79 plus 5.25% interest for the total amount of \$4,681.80 through the plan.

*Trustee shall make the monthly adequate protection payment to Sterling Jewelers, Inc. in the amount of \$25.00 for the secured claim pre-confirmation of plan.

*Debtors annual income is above the median for the state of Wisconsin, therefore Debtors will retain any net federal and state tax refunds received during the term of the plan.

*Debtors have an unexpired lease with JP Morgan Chase bank, N.A in the amount of \$17,677.56. The lease is assumed and payments due after filing will be paid directly by Debtors. The arrearage claim in the amount of \$308.84 will be paid through the

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Chapter 13 plan at the same time that payments are made to secured creditors after confirmation.

All remaining terms and provisions of the Plan are unaffected unless specifically addressed herein. In the event of a conflict between the original Plan and the modification set forth above, the latter shall supersede and control.

6. BY SIGNING BELOW THE PROPONENT OF THE MODIFICATION CERTIFIES THAT, AFTER REVIEW OF THE MODIFICATION AND ALL OTHER TERMS AND PROVISIONS OF THE PLAN, THOSE REMAINING TERMS AND PROVISIONS OF THE PLAN ARE CONSISTENT WITH THE PROPOSED MODIFICATIONS.

CERTIFICATION

I, Attorney Richard A. Check, attorney for Debtors, certify that I have reviewed the modification proposed above with the Debtor(s), and that the Debtor(s) has/have authorized me to file it with the court.

S:// _____
Attorney Richard A. Check

10/24/2013 _____
Date

WHEREFORE, the Proponent requests that the court approve the modification to the Chapter 13 Plan as stated herein.

Dated October 24, 2013 in Milwaukee, WI 53202

Signature: S:// _____
Richard A. Check
#10122-04
Attorney for Debtor(s)

CERTIFICATE OF SERVICE

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The undersigned paralegal hereby certifies that a copy of the foregoing pleading was served upon the following by first class United States Mail, postage prepaid, on or before this 24th day of October, 2013

S://_____
Nadine Relihan
Paralegal for Attorney Richard A. Check

Anthony and Joanna Rueda
2873 S. 34th Street
Milwaukee, WI 53215

American Student Assistance
Borrower Advocacy
100 Cambridge St. Ste 1600
Boston, MA 02114

Brewery Credit Union
1351 N Dr. Martin Luther King Jr. Dr.
Milwaukee, WI 53212

Brewery Credit Union
1351 N. Martin Luther King Drive
Milwaukee, WI 53212

Care Credit
PO Box 1715
Costa Mesa, CA 92628

Comenity Bank
American Furniture
PO Box 659705
San Antonio, TX 78265

Comenity Bank
Victoria Secret
PO Box 659728
San Antonio, TX 78265

Discover
PO Box 6103
Carol Stream, IL 60197

Discover Bank
DB Servicing Corporation
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Great Lakes
PO Box 530229
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Johnson Blumberg & Assoc.

230 Monroe St. #1125
Chicago, IL 60606

JPMorgan Chase Bank, N.A.

National Bankruptcy Department
P.O. Box 29505 AZ1-1191
Phoenix, AZ 85038-9505

JPMorgan Chase Bank, N.A.

201 N Central Ave
AZ1-1191
Phoenix, AZ 85004

Kay Jewels

5758 N. Bayshore Dr. Ste Q102
Glendale, WI 53217

Kohn Law Firm

312 E. Wisconsin Ave. Ste 501
Milwaukee, WI 53202

MATC

700 West State St.
Milwaukee, WI 53233

Menards

Dept 7680
Carol Stream, IL 60116

Quantum3 Group LLC as agent for

Comenity Bank
PO Box 788
Kirkland, WA 98083-0788

**Recovery Management Systems
Corporation**

25 S.E. 2nd Avenue, Suite 1120
Miami, FL 33131-1605

Sterling Jewelers

P.O. Box 201347
Arlington, TX 76006

Sterling Jewelers c/o American InfoSource

Department 223 PO BOX 4457
Houston, TX 77210

Tri-State Financial

PO Box 2520
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